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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,971	01/02/2002	Marcel Le Nabour	HER0046	1289

7590 03/19/2004

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EXAMINER

WAKS, JOSEPH

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/868,971

Applicant(s)

LE NABOUR ET AL.

Examiner

Joseph Waks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7 and 15 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/20/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of claims 1-7 and 12-15 in Paper No. 0104 is acknowledged.

### *Priority*

2. Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No.

PCT/FR99/02705, filed on 11/05/1999. ***Claim Rejections - 35 USC § 103***

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergey, Jr. et al. (US 4,291,235) in view of Maher (GB 2230565).

Bergey, Jr. et al. disclose a wind machine mounted on a vertical mast (Re column 4, lines 65-69 where a yaw bearing and tail assembly typical for the horizontal wind turbine generator machine structure located on mast are indicated) and having a wind-driven turbine fitted with blades 20 mounted on a large-diameter hub 18 with a horizontal axis, and an alternator 26, 28, 30 provided with a magnetic rotor 38, 40, 42 fixed to the hub, and a magnetic coil stator 32, 34, 36 secured to a stationary frame, wherein the upstream part of the hood is extended by an aerodynamic nose joined therewith in rotation and shrouding the bases 12 of the blades. However, Bergey, Jr. et al. do not disclose the encircling hood extending the hub coaxially to form a streamlined casing in which an alternator is housed.

Maher discloses a horizontal wind machine having an encircling hood extending the hub coaxially to form a streamlined casing in which the alternator is housed.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the wind machine as taught by Bergey, Jr. et al. and to provide the encircling hood extending the hub coaxially to form a streamlined casing in which an alternator is housed as taught by B for the purpose of protecting the electric parts of the machine from the weather elements and to increase the turbine efficiency by reducing back pressure of the air downstream the turbine.

***Allowable Subject Matter***

4. Claims 3, 4 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Re claims 3, 12 and 14, the feature of the wind inlet orifice in communication with the water separation enclosure and the ducts guiding the cooling air to the electric power circuits, in combination with the other limitations present, are neither disclosed nor taught by the prior art of record.

Re claims 4 and 13, the feature of the hood being extended by a gutter penetrating the interior of the hub to collect rainwater, in combination with the other limitations present, are neither disclosed nor taught by the prior art of record.

5. Claims 5-7 and 15 are allowed.

The feature of the internal part of the hub being provided with a flat ring cooperating with groups of runner wheels to define a retaining and guide rail during rotation, in combination with the other limitations present, are neither disclosed nor taught by the prior art of record.

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***Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Waks whose telephone number is (571) 272-2037. The examiner can normally be reached on Monday through Thursday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph Waks  
Primary Examiner  
Art Unit 2834

3/4/04